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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,817	02/03/2004	Takaaki Negoro	R2180.0189/P189	9540
24998	7590	12/29/2005		EXAMINER
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			SOWARD, IDA M	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/769,817	NEGORO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ida M. Soward	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) 22 and 23 is/are withdrawn from consideration.

5)  Claim(s) 6,7,13,14,20 and 21 is/are allowed.

6)  Claim(s) 1,8 and 15 is/are rejected.

7)  Claim(s) 2-5,9-12 and 16-19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

This Office Action is in response to the Applicants' amendment filed October 12, 2005.

### ***Election/Restrictions***

Applicant's election with traverse of claims 1-22 in the reply filed on May 3, 2005 is acknowledged. The traversal is on the ground(s) that "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." This is not found persuasive because searching the method (implanting, patterning, masking, thermal processing,...) of forming a semiconductor device requires a different thought process and class in searching than the semiconductor device structure.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

Objection to claims 1, 6-8, 13-15 and 20-21 have been withdrawn due to the amendment filed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakazato et al. (5,386,135) in view of Lee et al. (5,913,114).

In regard to claim 1, Nakazato et al. teach a semiconductor device, comprising: a P-type semiconductor substrate P-Sub; a P-channel DMOS transistor pMOS3 disposed on the P-type semiconductor substrate P-Sub and including a drain P formed of the P-type semiconductor substrate P-Sub and a source P formed in the P-type semiconductor substrate P-Sub on a main surface of the P-type semiconductor substrate P-Sub; and a CMOS transistor disposed on the P-type semiconductor substrate P-Sub and including a P-channel MOS transistor pMOS2 formed in an N-type region nW2 formed in the P-type semiconductor substrate P-Sub on the main surface of the P-type semiconductor substrate P-Sub and an N-channel MOS transistor n mOS2 formed in a P-type region PW2 formed in the P-type semiconductor substrate P-Sub on the main surface of the P-type semiconductor substrate P-Sub, the P-type region PW2 being electrically isolated from the P-type semiconductor substrate P-Sub by the N-type region nW2 (Figure 33, column 33, lines 7-41).

In regard to claim 8, Nakazato et al. teaches that it is inherent in the art of semiconductor device interchange the conductivity type of the various region of the device (Figures 43-44, column 37, lines 3-32).

In regard to claim 15, Nakazato et al. teach a semiconductor device comprising: a P-type semiconductor substrate P-Sub; a transistor including a P-channel DMOS transistor pMOS3 disposed on the P-type semiconductor substrate P-Sub and including a drain P formed of the P-type semiconductor substrate P-Sub and a source P formed in the P-type semiconductor substrate P-Sub on a main surface of the P-type semiconductor substrate P-Sub; and a CMOS transistor disposed on the P-type semiconductor substrate P-Sub and including a P-channel MOS pMOS2 transistor formed in an N-type region nW2 formed in the P-type semiconductor substrate P-Sub on the main surface of the P-type semiconductor substrate P-Sub and an N-channel MOS transistor nMOS2 formed in a P-type region pW2 formed in the P-type semiconductor substrate P-Sub on the main surface of the P-type semiconductor substrate P-Sub, the P-type region pW2 being electrically isolated from the P-type semiconductor substrate P-Sub by the N-type region nW2.

In regard to claim 15 concerning a fixed voltage circuit, an output transistor and a controller, "If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d

1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) ("where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation"); *Kropa v. Robie*, 187 F.2d at 152, 88 USPQ2d at 480-81".

However, Nakazato et al. fail to teach a CMOS and DMOS formed on a single substrate.

Lee et al. teach a CMOS and DMOS formed on a single substrate (Figure 14, column 3, lines 28-34).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device structure as taught by Nakazato et al. with the semiconductor device having a CMOS and DMOS formed on a single substrate as taught by Lee et al. to improve the reliability of a semiconductor device which has both high voltage elements and low voltage elements in the same circuit (column 2, lines 28-31).

#### ***Allowable Subject Matter***

Claims 6-7, 13-14 and 20-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose, make obvious, or otherwise suggest the structure of the applicant's together with the other limitations of the independent

claims, such as but not limited to a P-type semiconductor substrate including a P-type high concentration semiconductor substrate, a first P-type low concentration epitaxial layer, and a second P-type low concentration epitaxial layer, the P-type high concentration semiconductor substrate being disposed opposite to the main surface of the P-type semiconductor substrate, the second P-type low concentration epitaxial layer being disposed over the P-type high concentration semiconductor substrate, and the first P-type low concentration epitaxial layer being disposed over the second P-type low concentration epitaxial layer; wherein the N-type region comprises a bottom portion including an N-type buried layer which is disposed at an interface of the first P-type low concentration epitaxial layer and the second P-type low concentration epitaxial layer.

**As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).**

Claims 2-5, 9-12 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).**

***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to semiconductor devices having DMOS and CMOS structures:

Chen et al. (US 2003/0162375 A1)

Fujii et al. (5,905,284)

Williams et al. (US 2004/0259318 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ida M. Soward whose telephone number is 571-272-1845. The examiner can normally be reached on Monday - Thursday 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra V. Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2822

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMS

December 23, 2005

*J/M. Soward*  
AU 2822